

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio



\_\_\_\_ Dayton \_\_\_\_ Division

James E Washington dba  
Sales Pointe Realtors

Case No. 3:21-cv-253

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Judge Michael J. Newman

Magistrate Sharon L. Ovington

-v-

Dayton Area Board of Realtors, et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	James E Washington dba Sales Pointe Realtors
Street Address	639 Liscum Drive
City and County	Dayton Montgomery County
State and Zip Code	Ohio 45417
Telephone Number	937-435-7653
E-mail Address	SalesPointeRealty@hotmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**Defendant No. 2**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**Defendant No. 3**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**Defendant No. 4**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

KLU KLUX KLAN ACT, 1871 Civil Rights Act. The Fourteenth Amendment to the Constitution Due Process Clause, Bill of Rights, The Equal Protection Clause, Citizenship Clause, Privileges of Immunity Clause

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)*, is a citizen of the  
State of *(name)*

## b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated  
under the laws of the State of *(name)*  
and has its principal place of business in the State of *(name)*

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

## 2. The Defendant(s)

## a. If the defendant is an individual

The defendant, *(name)* See Attached List for Defendants, is a citizen of  
the State of *(name)* Or is a citizen of  
*(foreign nation)*

b. If the defendant is a corporation

The defendant, (name) Dayton Area Board of Realtors, is incorporated under the laws of the State of (name) Unknown, and has its principal place of business in the State of (name) Ohio. Or is incorporated under the laws of (foreign nation) Unknown and has its principal place of business in (name) Dayton Montgomery County Ohio.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Plaintiff will suffer a 90 Day unfair Suspension by Defendant Dayton Area Board of Realtors resulting in loss of multiple listing services and 100 percent of income plus plaintiff will have to take 3 inadequate courses in diversity and sign an agreement that will take away my Plaintiff's free speech rights forever. Plaintiff seeks \$300,000 in damages from defendants for immediate loss of income defamation of character, unknown future losses.

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Plaintiff recently learned that "DABR" had signed a Voluntary Affirmative Marketing agreement with HUD. It is "undisputed" that HUD was at the root cause of Redlining and Discrimination in the mid thirties starting in Baltimore Md. and spreading to Chicago and all over America and its Territories, including Dayton Montgomery County, Ohio. About the same time an exhibit on "Redlining" was being introduced at the Main Library Downtown and Plaintiff recommended that DABR recommend to its Board of Directors invite all Realtors to review the exhibit at the Library on redlining. Instantly, my MLS property listings were vandalized, pictures removed, Plaintiff's ability to use the MLS system was de-activated. I reported this to MLS Support at 866-493-0365 and was told "values placed by unknowns" was the cause. Defendants accused plaintiff of destroying his MLS listings. A forensic exam could of computers

B. What date and approximate time did the events giving rise to your claim(s) occur?

Plaintiff was instantly charged \$425.00 in fines. While Plaintiff was attempting to appeal these fines, Plaintiff was hit with an Ethics Complaint charging that Plaintiff had Violated Articles 10 & 15 of the "whatever". At the Ethics hearing the only witness was incapacitated, in a wheel chair and could not speak. Chairman Brian Sharp wanted to answer Plaintiff's questions to the witness, and plaintiff asked for the next witness, and there was none. So this < 15 minute hearing was over. When Plaintiff requested a copy of transcript, I was told that it was 2 hours long and would cost over \$1,400.00 Dollars. Defendants obviously imparted negative info to their Sales Force. Instantly Realtors started to complain about my listings, made appointments to show Plaintiff's property, and did not show up, ect ect.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*  
Plaintiff's telephone was jumping off of the wall with fake questions about fake properties and time wasting activities. Plaintiff attempted to show about 10 properties and was only successful in showing one property. Pictures on some of plaintiff's property were removed. Address on a Midway Ave property was altered. Presently Plaintiff has numerous emails from Defendants Ullery, Stokes and Brenner-Lawson with violations galore. Plaintiff Washington must have Injunctive relief immediately.

#### **IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.  
It is impossible for Plaintiff to estimate future damage from an ongoing cataclysmic situation. In 1977 or so Plaintiff was hit with a Blockbusting Suit by the City of Trotwood. Federal Court denied their request for an Injunction, based upon information presented by Bill Stroud CEO of the Board of Realtors at that time. My income dropped to such an extent that I had to close my office at Salem Ave and Auburn. Three or more years passed before Plaintiff was able to secure an office near the Corner of Salem and Philadelphia Drive, where the Walgreen Drugstore sits now. The 3 weeks of negative publicity costed Plaintiff \$300,000 if it cost a nickel.

Plaintiff is enjoying a very robust business at this time. With Social media like facebook, instagram, next door neighborhood apps etc, future sales may take a long hard hit. \$300,000 dollars in todays costs could be as much as \$900,000. Without an Immediate Injunction relief, no reliable estimates are available.

#### **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.  
The wrongs are ongoing and elevating on a day to day basis. Plaintiff has to spend a lot of time on each telephone call just to clarify and make sure that it is not a fake call. Plaintiff needs immediate Injunctive relief. Plaintiff prays that the Court will order a forensic examination of the computers used at the Board of Realtors by Defendants Ullery, Stokes and Brenner Lawson as these Defendants are constantly accusing Plaintiff of damaging his own MLS Listings. Plaintiff has no way of estimating punitive damage caused by defendants. Punitive damages, and Actual Damages are estimated to be \$900,000 plus.



**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9/16/2021

Signature of Plaintiff

Printed Name of Plaintiff

James E. Washly  
 P JAMES E. WASHINGTON

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

**Defendants Page 1**

**NAME** Tom Whalen  
**JOB TITLE** ENALALER  
**STREET ADDRESS** 40 N Main St Suite1900  
**CITY and COUNTY** DAYTON MONTGOMERY COUNTY  
**STATE and ZIP CODE** OHIO 45423  
**TELEPHONE NUMBER** 937-222-2500  
**EMAIL ADDRESS** TWHALEN@SSDLAW.COM

**NAME** AnJanette Fry  
**JOB TITLE** BOARD OF DIRECTOR  
**STREET ADDRESS** 9797 FAR HILLS AVE  
**CITY and COUNTY** DAYTON MONTGOMERY  
**STATE and ZIP CODE** Ohio 45429  
**TELEPHONE NUMBER** 037-434-7676 FAX 4342482  
**EMAIL ADDRESS** [rcfproperties@gmail.com](mailto:rcfproperties@gmail.com)

**NAME** SHARON GEIER  
**JOB TITLE** BOARD OF DIRECTOR  
**CITY and COUNTY** DAYTON MONTGOMERY COUNTY  
**STREET ADDRESS** 1353 LYONS RD  
**STATE and ZIP CODE** OHIO 45458  
**TELEPHONE NUMBER** 937-478-1099  
**EMAIL ADDRESS** SHARONGEIER.IRONGATEREALTORS.COM

**NAME** BILLIE DUNCAN-HART  
**JOB TITLE** BOARD OF DIRECTOR  
**STREET ADDRESS** 8534 YANKEE ST  
**CITY and COUNTY** DAYTON MONTGOMERY  
**STATE and ZIP CODE** OHIO 45458  
**TELEPHONE NUMBER** 937-776-7489  
**EMAIL ADDRESS** [bdhart@coldwellbanker.com](mailto:bdhart@coldwellbanker.com)

**NAME** MARK KOTTMAN aka COTTMAN  
**JOB TITLE** BOARD OF DIRECTOR  
**STREET ADDRESS** 7625 PARAGON RD  
**CITY and COUNTY** DAYTON MONTGOMERY  
**STATE and ZIP CODE** OHIO 45459  
**TELEPHONE NUMBER** 937-371-7578  
**EMAIL ADDRESS** KOTTMAN@HERREALTORS.COM

NAME BRIAN SHARP  
JOB TITLE CHAIRMAN, ETHICS COMMITTEE  
STREET ADDRESS 5700 GATEWAY STE 200  
CITY and COUNTY DAYTON MONTGOMERY COUNTY  
STATE and ZIP CODE OHIO 45040  
TELEPHONE NUMBER 937-371-7578  
EMAIL ADDRESS SOLDBYBRIANSHARP@GMAIL.COM

NAME GUY ROTH  
JOB TITLE BOARD OF DIRECTOR  
STREET ADDRESS 5580 FAR HILLS AVE  
CITY and COUNTY DAYTON MONTGOMERY  
STATE and ZIP CODE OHIO 45429  
TELEPHONE NUMBER 937-477-8622  
EMAIL ADDRESS GUY.ROTH@BHGREHOMES.COM

NAME DEB SASSER  
JOB TITLE BOARD OF DIRECTOR  
STREET ADDRESS 1370 N FAIRFIELD RD  
CITY and COUNTY DAYTON MONTGOMERY  
STATE and ZIP CODE OHIO 45432  
TELEPHONE NUMBER 937-776-4346  
EMAIL ADDRESS DEB@SASSERREAKTORS.COM

NAME JOE WILLEN  
JOB TITLE BOARD OF DIRECTOR  
STREET ADDRESS 93 W FRANKLIN ST  
CITY and COUNTY DAYTON MONTGOMERY COUNTY  
STATE and ZIP CODE OHIO 45459  
TELEPHONE NUMBER 937-681-1320  
EMAIL ADDRESS JOE.WILLEN@HOMEEXPERTSREALTY.NET

NAME DAYTON AREA BOARD OF REALTORS  
JOB TITLE ORGANIZATION  
STREET ADDRESS 1515 S MAIN ST  
CITY and COUNTY DAYTON MONTGOMERY COUNTY  
STATE and ZIP CODE OHIO 45409  
TELEPHONE NUMBER 937-223-0900  
EMAIL ADDRESS CJACKSON@DABR.COM



**Defendants page 3**

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<b>Name</b>	<b>Carlton Jackson</b>
<b>Job Title</b>	<b>C E O Dabr</b>
<b>Street Address</b>	<b>1515 S Main St</b>
<b>City and County</b>	<b>Dayton Montgomery County</b>
<b>State and Zip Code</b>	<b>Ohio 45409</b>
<b>Telephone Number</b>	<b>937-223-0900</b>
<b>E-mail Address</b>	<b>CJackson@Dabr.com</b>